

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-8210 GAF (MRW)	Date	September 27, 2012
Title	Jackson v. Holland		

Present: The Honorable	Michael R. Wilner
------------------------	-------------------

Veronica McKamie

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

n/a

n/a

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: PETITION

Petitioner is a state prisoner serving an 83-years-to-life sentence for rape and other offenses. This action is his fourth federal habeas action,¹ and involves an allegation that Petitioner was improperly denied his right to post-conviction DNA testing.

In prior proceedings, the Court explained that federal law prohibits a state prisoner from filing successive habeas actions without advance permission from the United States Court of Appeals. See 28 U.S.C. § 2244(b); Burton v. Stewart, 549 U.S. 147 (2007) (dismissing successive petition for failure to obtain authorization from court of appeals). Even with that explanation, Petitioner's current habeas petition is not accompanied by a statement of permission from the Court of Appeals. Indeed, Petitioner falsely denied in his petition that he "previously filed any habeas petitions in any federal court with respect to this judgment of conviction." (Petition at 7.)

Based on the face of the current petition, the files in his previous cases, and the Court's familiarity with this litigant, the Court could dismiss the action at this stage of the action with no further proceedings. However, in the interest of justice and to accommodate this pro se litigant, the Court will give Petitioner an opportunity to explain why his action should not be dismissed as an improper successive action under AEDPA. It is therefore ORDERED that Petitioner shall

¹ Jackson v. Felker, CV 07-3982 GAF (RC) (C.D. Cal.); Jackson v. Stainer, CV 11-5967 GAF (MRW) (C.D. Cal.); Jackson v. Holland, CV 12-5362 GAF (MRW) (C.D. Cal.) (dismissed as improperly filed civil rights action).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-8210 GAF (MRW)	Date	September 27, 2012
Title	Jackson v. Holland		

file a memorandum by or before October 29, 2012, not to exceed 5 pages showing good cause why the case should not be dismissed.

Failure to file a timely response to this Order as directed above will result in a recommendation that this action be dismissed for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).